

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA
MOBILITY, INC., and GENERAL
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

SUPPLEMENTAL DECLARATION OF
NORMAN H. BEAMER IN SUPPORT
OF DEFENDANTS' REPLY TO
MICROSOFT'S OPPOSITION TO
DEFENDANTS' RENEWED MOTION
TO DISMISS

**NOTED ON MOTION CALENDAR:
Friday, April 1, 2011**

I, NORMAN H. BEAMER, hereby declare as follows:

1. I am one of the attorneys for Defendants Motorola Solutions, Inc. (formerly Motorola, Inc.), Motorola Mobility, Inc., and General Instrument Corporation in this lawsuit. I make this declaration based on my own personal knowledge.

2. I submit this declaration in support of Defendants' Reply to Microsoft's Opposition to Defendants' Renewed Motion to Dismiss.

3. Attached hereto as Exhibit 1 is a true and correct copy of a presentation titled "Fair, Reasonable, and Non-Discriminatory: Some Practical Thoughts About FRAND Licensing Commitments," given by Amy Marasco, General Manager, Standards Strategy, Microsoft Corporation, on March 26, 2009 at Tilberg University, Tilburg Law and Economics Center,

SUPPLEMENTAL DECLARATION OF NORMAN H.
BEAMER IN SUPPORT OF DEFENDANTS' REPLY TO
MICROSOFT'S OPPOSITION TO DEFENDANTS' RENEWED
MOTION TO DISMISS - 1
CASE NO. C10-1823-JLR

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1 Conference on Patent Reforms, *available at* [http://www.tilburguniversity.edu/research/institutes-](http://www.tilburguniversity.edu/research/institutes-and-research-groups/tilec/org/patent/amymarasco.pdf)
2 [and-research-groups/tilec/org/patent/amymarasco.pdf](http://www.tilburguniversity.edu/research/institutes-and-research-groups/tilec/org/patent/amymarasco.pdf) (last visited Mar. 30, 2011).

3 4. Attached hereto as Exhibit 2 is a true and correct copy of a presentation titled
4 “Standards-Setting, IPR Policies and Stakeholder Considerations,” given by Amy Marasco,
5 General Manager, Standards Strategy, Microsoft Corporation, on December 9, 2009 at the
6 Japanese Industrial Standards Committee, Symposium on Standardization and International
7 Intellectual Property: The Functioning of Patent Policies and Pools in the Implementation of
8 Standards, and How to Handle the Hold-Up Problem, *available at*
9 http://www.jisc.go.jp/policy/kenkyuukai/ipr/pdf/S3-3_Marasco.pdf (last visited Mar. 30, 2011).

10 5. Attached hereto as Exhibit 3 is a true and correct copy of a document titled
11 “Defendant Motorola, Inc.’s First Amended Answer, Affirmative Defenses, and Counterclaims to
12 Wi-Lan, Inc.’s Third Amended Complaint,” which was filed with the United States District Court
13 for the Eastern District of Texas on April 16, 2010, as Document 138, in Civil Action No. 08-cv-
14 000247-TJW, styled *Wi-Lan, Inc. v. Research in Motion Corp.*

15 6. Attached hereto as Exhibit 4 is a true and correct copy of a document titled
16 “Second Amended Complaint,” which was filed with the United States District Court for the
17 District Court of New Jersey on November 2, 2007, as Document 106, in Civil Action No. 05-cv-
18 3350MLC, styled *Broadcom Corp. v. Qualcomm Inc.*

19 7. Attached hereto as Exhibit 5 is a true and correct copy of Complaint, *In re Rambus*
20 *Inc.*, FTC Docket No. 9302 (June 18, 2002), *available at*
21 <http://www.ftc.gov/os/adjpro/d9302/020618admincmp.pdf> (last visited Mar. 31, 2011).

1 8. Attached hereto as Exhibit 6 is a true and correct copy of Final Order, *In re*
2 *Rambus Inc.*, FTC Docket No. 9302 (Feb. 2, 2007), *available at*
3 <http://www.ftc.gov/os/adjpro/d9302/070205finalorder.pdf> (last visited Mar. 31, 2011).

4 9. Attached hereto as Exhibit 7 is a true and correct copy of Opinion of the
5 Commission on Remedy, *In re Rambus Inc.*, FTC Docket No. 9302 (Feb. 2, 2007), *available at*
6 <http://www.ftc.gov/os/adjpro/d9302/070205opinion.pdf> (last visited Mar. 31, 2011). This
7 document contains 169 footnotes, and I have been informed that it contains at least 14,000 words.

8 10. Attached hereto as Exhibit 8 is a true and correct copy of Opinion of the
9 Commission, *In re Rambus Inc.*, FTC Docket No. 9302 (Aug. 2, 2006), *available at*
10 <http://www.ftc.gov/os/adjpro/d9302/060802commissionopinion.pdf> (last visited Mar. 31, 2011).
11 This document contains 650 footnotes, and I have been informed that it contains at least 55,000
12 words.
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15 I declare under penalty of the laws of perjury that the foregoing is true and correct.
16 Executed this 1st day of April, 2011, at East Palo Alto, California.
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19 _____
20 Norman H. Beamer
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CERTIFICATE OF SERVICE

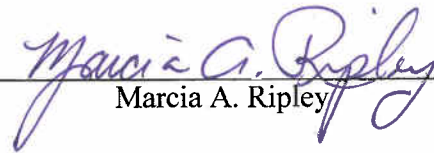
I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 1st day of April, 2011.


Marcia A. Ripley